

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BILLY CEPERO,

Petitioner,

v.

BRIAN WILLIAM, et al.,

Respondents.

Case No. 2:14-cv-01396-MMD-GWF

ORDER

Petitioner Billy Cepero has submitted a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (dkt. No. 1-1). While petitioner submitted an application to proceed *in forma pauperis* (dkt. No. 1), he subsequently paid the filing fee (see dkt. No. 3).

In his purported federal petition, petitioner references an application for postconviction relief that appears to be pending before the Nevada Supreme Court. Further, the Court may take judicial notice of the Nevada Supreme Court docket, which appears to reflect that briefing is in progress with respect to petitioner's appeal of the denial of his state postconviction petition (see Case. No. 65785). Accordingly, petitioner shall have thirty (30) days from the entry of this order to show cause and file such proof he may have to demonstrate that the Nevada Supreme Court has decided his appeal. Petitioner shall specify the date of the Nevada Supreme Court's adjudication of the appeal and file a copy of the decision on appeal and the remittitur, if possible. If petitioner has an appeal pending before the Nevada Supreme Court, then this petition

1 for a writ of habeas corpus may be dismissed based on failure to exhaust state
2 remedies.

3 It is therefore ordered that petitioner's application to proceed *in forma pauperis*
4 (dkt. no. 1) is denied as moot.


5 It is further ordered that the Clerk shall detach, file and electronically serve the
6 petition (dkt. no. 1-1) upon the respondents.

7 It is further ordered that petitioner shall have thirty (30) days from the entry of this
8 order to show cause and file such proof he may have to demonstrate that his appeal
9 before the Nevada Supreme Court has been decided.

10 It is further ordered that if petitioner files such proof, respondents shall have
11 twenty (20) days to file a response to petitioner's proof.

12 It is further ordered that if petitioner is unable to demonstrate that he has
13 exhausted his state remedies, the Court will enter an order dismissing the petition.

14 DATED THIS 10th day of November 2014.

15
16 
17 _____
18 MIRANDA M. DU
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28